



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA



**FREQUENTLY ASKED QUESTIONS ABOUT FILING IN
MDL 2440 IN RE COOK MEDICAL, INC.,
PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION
(Rev. 3/2014)**

May I file a case directly in the Southern District of West Virginia that relates to 2:13-md-2440 or must I file it in the district where the plaintiff resides so that it may be transferred to the Southern District of West Virginia by the Judicial Panel on Multidistrict Litigation?

The correct practice is to file the case in the proper district and proceed by means of the Judicial Panel on Multidistrict Litigation's tag along process. However, except in limited circumstances (such as failure to pay the filing fee), the Clerk will not refuse to file any action in the Southern District.

If I file a new case in the Southern District of West Virginia that relates to MDL 2440, what is the procedure?

To file the case electronically via the CM/ECF system:

- You must be a registered CM/ECF user (see below);
- Refer to **Section 8, Commencement of a Civil Action**, found in our district's [Administrative Procedures for Electronic Case Filing](#).
- File the case opening documents in 2:13-cv-11111* which is a shell case reserved exclusively for the electronic filing of new civil cases;
- Attach all documents, e.g., civil cover sheet, summonses, etc., to the initial entry;
- Do not file documents into the new case until you have received a **Notice of Electronic Filing (NEF)** confirming that the case opening documents have been processed;
- If you discover that you need to file documents prior to receipt of the aforementioned NEF, please contact Susan Howie (304/347-3040) or Rowena Stiltner (304/347-3047); and
- Any summons(es) will be electronically issued for service; the NEF will contain instructions to counsel.

*The shell case number reserved for filing new civil cases changes at the beginning of each calendar year. When the calendar year changes, the new shell case number appears on the CM/ECF login page.

If the plaintiff in my action has been implanted with products made by multiple manufacturers, which MDL case should I reference?

United States District Judge Joseph R. Goodwin, the transferee judge assigned to the case, has determined, in consultation with the Judicial Panel on Multidistrict Litigation, that actions involving multiple manufacturer defendants should reference the MDL case for the first named manufacturer defendant in that action.



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How can I determine whether to file a document in [2:13-md-2440](#)
or an individual (member case) related to [MDL 2440](#)?

When filing a document that relates to [MDL 2440](#) in general, file the document (with the phrase **THIS DOCUMENT RELATES TO ALL CASES** noted on the first page near the case number and style) in [2:13-md-2440](#) only; do not file the document in any individual (member) case.

When filing a document specific to an individual case that is related to [MDL 2440](#), file the document in the individual (member) case only; do not file the document in [2:13-md-2440](#).

Do I need to be admitted to practice or associate myself with local counsel to obtain a
CM/ECF login and password for the
United States District Court for the Southern District of West Virginia?

An attorney who is admitted to practice and is in good standing in any United States District Court is admitted *pro hac vice* for purposes of this litigation. The requirements of [Local Rule of Civil Procedure 83.6](#) are waived. Association of local counsel is not required.

Each attorney is required, however, to submit an [Electronic Case Filing System Attorney Registration](#) form.

When, where, and how do I submit an
[Electronic Case Filing System Attorney Registration](#) form?

Each attorney who wishes to file documents in [MDL 2440](#) or a member case **who has not previously received a login and password** must complete and sign an [Electronic Case Filing System Attorney Registration](#) form prior to making an appearance. The required PDF fillable form is available on our court's website at [MDL 2440 In Re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation > Forms](#).

The attorney's name on our court's [Electronic Case Filing System Attorney Registration](#) form must correspond to that attorney's name on his home state bar registration. For example, an attorney registered with his home state bar as *Anthony Doe* must register with our court for electronic case filing as *Anthony Doe*, not *Tony Doe*.

After selecting one or more of the mesh products litigation MDL cases on the face of the form for which the CM/ECF registration will be applicable, the attorney must FAX the completed form to our office at 304/347-3007 and immediately mail the original form to the address shown on the form. The Clerk's Office will transmit the attorney's newly assigned login and password to the attorney's e-mail address noted on the form.



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Please note that only one [Electronic Case Filing System Attorney Registration](#) form is to be submitted per attorney even if that attorney appears in a mesh products litigation case not selected on the original form submitted. The original form will encompass any additional mesh products litigation cases listed thereon in which the attorney may later appear.

CAUTION: Attorneys are cautioned that logins and passwords assigned pursuant to this form are to be used only for electronic filings related to the mesh products litigation listed thereon. An attorney who wishes to electronically file in cases other than those related to the mesh products litigation must meet standard requirements set forth in the [Local Rules](#) and [Administrative Procedures](#) for the Southern District of West Virginia.

If I do not have a login and password and need to electronically file a document, can I use a login and password assigned to another attorney at my firm and complete an [Electronic Case Filing System Attorney Registration](#) form later?

No, an attorney must never use a login and password assigned to another attorney to file documents. A login and password issued by the court combine to serve as an attorney's signature; therefore, each attorney is responsible for all documents filed using that login and password. For further information, refer to **Section 6, Login and Password; Registration** found in our district's [Administrative Procedures for Electronic Case Filing](#).

REMINDER: The attorney's electronic signature on documents must correspond to the attorney's home state bar registration and our court's [Electronic Case Filing System Attorney Registration](#) form. For example, an attorney who registered with her home state bar and who completed our court's [Electronic Case Filing System Attorney Registration](#) form as *Judith Attorney* must use *Judith Attorney* as her electronic signature, not *Judy Attorney*.

When, where, and how do I file an [MDL 2440 In re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation Notice of Attorney Appearance and Counsel Contact Information](#) form?

When first appearing in an individual (member) case, an attorney must complete an [MDL 2440 In re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation Notice of Attorney Appearance and Counsel Contact Information](#) form **if the attorney has not signed the complaint or if the attorney has not made an appearance in the transferor court prior to the MDL order transferring the case to the Southern District of West Virginia**. The required PDF fillable form is available on our court's website at **MDL 2440 In Re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation > Forms**. The attorney must file the completed form in each individual (member) case to which it applies using the CM/ECF docketing event found at **Civil > Notices > Notice of Attorney Appearance – COOK MEDICAL MDL CASE ONLY**. Attorneys are cautioned that the form **MUST NOT BE FILED** in **2:13-md-2440**.



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When, where, and how do I file an
[MDL 2440 In Re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation](#)
[Notice of Request of Attorney to be Removed from the Court's Service List](#) form?

When an attorney wishes to remain as counsel of record in a case related to [MDL 2440](#) but prefers to forfeit receipt of copies of any orders, correspondence, motions, pleadings, notices, etc., the attorney must file an [MDL 2440 In Re Cook Medical, Inc., Pelvic Repair System Products Liability Litigation Notice of Request of Attorney to be Removed from the Court's Service List](#) form. The required PDF fillable form is available on our court's website at **MDL 2440 In Re Cook Medical, Inc., Products Liability Litigation > Forms**. The attorney must file the completed form in each individual (member) case to which it applies using the docketing event found at **Civil > Notices > Notice of Attorney Request to be Removed – COOK MDL CASE ONLY**. Attorneys are cautioned that the form **MUST NOT BE FILED IN [2:13-md-2440](#)**.